

AUG 08 2006



Ralph E. Jocke
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Art Unit 3624
U.S. Patent and Trademark Office

FAX NUMBER: (571) 273-8300

DATE: August 8, 2006

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

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COMMENTS: Attached is a Notice of Expired Suspension of Action. Please refer to the following.

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AUG 08 2006

August 8, 2006

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: Application No.: 09/077,337
Confirmation No.: 5900
Applicants: Jay Paul Drummond, et al.
Title: Automated Banking Machine
Apparatus and System
Docket No.: D-1077

Sir:

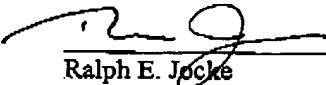
Please find enclosed a Notice of Expired Suspension of Action for filing in the above-referenced application.

Very truly yours,


Ralph E. Jocke
Reg. No. 31,029

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I hereby certify that, on the date shown below, this document and the documents indicated as enclosed herewith are being sent by facsimile transmission to the U.S. Patent and Trademark Office at (571) 273-8300.

Date: August 8, 2006
Ralph E. Jocke

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D-1077

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
 Jay Paul Drummond, et al.)
Application No.: **09/077,337**) Art Unit 3624
Confirmation No.: **5900**)
Filed: **May 27, 1998**)
Title: **Automated Banking Machine**) Patent Examiner
 Apparatus and System) Kelly Campen

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Notice of Expired Suspension of Action

The Office attempted to suspended action in this application on February 8, 2006. As noted in Applicants' letter dated March 21, 2006, the attempt was legally improper. Nevertheless, suspension of Office action has a maximum time period of 6 months (MPEP § 709). Thus, even if the attempted suspension was legal (which it wasn't), the suspension expired on August 8, 2006. Thus, action in the application is no longer suspended. In response to the Board of Patent Appeals & Interferences' decision (on November 29, 2005) completely reversing the Office, Appellants request their long overdue Notice of Allowance.

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Application Is Entitled To Special Status

This application has been pending more than five years and has an effective pendency approaching ten years. In accordance with the rules of the Office (MPEP § 708.01 (G and I)), this application is to be treated as a "special" case and is to be advanced (not suspended) by the Office.

Conclusion

Appellants respectfully submit that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the Application by telephone.

Respectfully submitted,



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